

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

Valuation of Security     Assumption of Executory Contract or Unexpired Lease     Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re: Case No.: 19-24147-SLM  
GERARD and ANGELA RISOLI, Judge: Meisel  
Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original    ☒ Modified/Notice Required    Date: 3/1/2020  
☐ Motions Included    ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: /a/ANS    Initial Debtor: /s/GR    Initial Co-Debtor: /s/AR

The Debtors have paid \$500.00 over five (5) months, and;

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 2520.00 per month to the Chapter 13 Trustee, starting on March 1, 2020 for approximately 53 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

Contribution.

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 1,500.00 plus any additional fees awarded by the Court.
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence:** ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Select Portfolio Servicing	25 Sterling Hill Road, Sparta, NJ 07871	\$62,168.00 (POC #12) \$56,143.22 (Consent Order)	-	\$62,168.00 (POC #12) \$56,143.22 (Consent Order)	\$8,020.46 (Subject to change during normal loan servicing)

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:** ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Santander Consumer USA Inc. (POC #2)	2019 SUBARU ASCENT	\$689.62 (POC #2)	-	\$689.62 (POC #2)	\$695.31

**c. Secured claims excluded from 11 U.S.C. 506:** ☒ NONE


The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☐ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Specialized Loan Servicing LLC (POC #4)	25 Sterling Hill Road, Sparta, NJ 07871	\$40,747.93 (POC #4)	\$625,000.00	\$829,936.13 (POC #12 first mortgage held by Select Portfolio Servicing)	\$0.00	-	\$0.00 - Treated as completely unsecured (Consent Order Docket No. 40) 

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender** ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan** ☒ **NONE**

The following secured claims are unaffected by the Plan:

**g. Secured Claims to be Paid in Full Through the Plan:** ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims** ☐ **NONE**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions ☐ NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Specialized Loan Servicing LLC	25 Sterling Hill Road, Sparta, NJ 07871	\$40,747.93 (POC #4)	\$625,000.00	\$829,936.13 (POC #12 first mortgage held by Select Portfolio Servicing)	\$0.00	Treated as completely unsecured (Consent Order Docket No. 40)

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.



**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administrative / Legal Fees and Costs
- 3) Priority Unsecured Claims
- 4) Secured Claims
- 5) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☒ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 7/18/19 Docket No. 4.

Explain below **why** the plan is being modified:

The Plan is being modified post loan modification denial to now account for payment of first mortgage arrears in full through the Plan.

Explain below **how** the plan is being modified:

Part 1 is being modified to increase monthly payment amount to account for payment of first mortgage arrears and contribution, and is also modified to extend out Chapter 13 Plan, and Part 4 is modified to reflect payment of first mortgage arrears in full through the Plan.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes

☐ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

## Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 4/20/2020

/s/Gerard Risoli  
Debtor

Date: 4/20/2020

/s/Angela Risoli  
Joint Debtor

Date: 4/20/2020

/a/Angela Nascondiglio Stein  
Attorney for Debtor(s)

## Certificate of Notice Page 11 of 12

United States Bankruptcy Court  
District of New JerseyIn re:  
Gerard Risoli  
Angela M Risoli  
DebtorsCase No. 19-24147-SLM  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 35

Date Rcvd: Apr 21, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 23, 2020.

db/jdb +Gerard Risoli, Angela M Risoli, 25 Sterling Hill Road, Sparta, NJ 07871-3414  
 518363787 +Credit One Bank, 335 Madison Ave, New York, NY 10017-4611  
 518363788 +Georgia Department of Driver Services, PO Box 80447, Conyers, GA 30013-8047  
 518363790 +KML Law Group, P.C., 216 Haddon Avenue, Ste. 406, Westmont, NJ 08108-2812  
 518363793 +++MIA N KIRITSIS, MIDLAND CREDIT MANAGEMENT, INC, 1 RIVERFRONT PLZ STE 710,  
 NEWARK NJ 07102-5415  
 (address filed with court: Mia N Kiritsis, Midland Credit Management, Inc,  
 1037 Raymond Blvd, Suite 710, Newark, NJ 07102)  
 518363792 Mercury Card Services, PO Box 84064, Columbus, GA 31908-4064  
 518363797 +Rita E Ayoub, Pressler Felt & Warshaw, LLP, 7 Entin Road, Parsippany, NJ 07054-5020  
 518363802 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
 TRENTON NJ 08646-0245  
 (address filed with court: State of New Jersey, Division of Taxation, Compliance Activity,  
 PO Box 245, Trenton, NJ 08695-0245)  
 518363798 Santander Consumer USA, PO Box 660633, Dallas, TX 75266-0633  
 518380631 +Santander Consumer USA, Inc., P.O. Box 560284, Dallas, TX 75356-0284  
 518363799 Sears Credit Cards, PO Box 78051, Phoenix, AZ 85062-8051  
 518363801 Specialized Loan Servicing (SLS), P.O. Box 60535, City of Industry, CA 91716-0535  
 518363804 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
 (address filed with court: Toyota Financial Services, PO Box 15012,  
 Chandler, AZ 85244-5012)  
 518439367 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,  
 Addison, Texas 75001-9013  
 518430912 Toyota Motor Credit Corporation, c/o Becket and Lee LLP, PO Box 3001,  
 Malvern PA 19355-0701  
 518435665 +U.S. Bank National Association, Trustee (See 410), c/o Specialized Loan Servicing LLC,  
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 21 2020 22:49:31 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Apr 21 2020 22:49:29 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 cr +E-mail/PDF: gecsedirecoverycorp.com Apr 21 2020 23:02:43  
 Synchrony Bank c/o PRA Receivables Management, LLC, PO BOX 41021, Norfolk, VA 23541-1021  
 518363785 E-mail/Text: bnc@alltran.com Apr 21 2020 22:48:49 Alltran Financial, LP, PO Box 722929,  
 Houston, TX 77272-2929  
 518363786 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 21 2020 22:49:17 Comenity - Talbots,  
 PO Box 659617, San Antonio, TX 78265-9617  
 518487557 E-mail/Text: jennifer.chacon@sp servicing.com Apr 21 2020 22:49:53  
 Deutsche Bank National Trust et. al., c/o Select Portfolio Servicing, Inc., P.O. Box 65250,  
 Salt Lake City, UT 84165-0250  
 518363789 E-mail/Text: sbse.cio.bnc@mail@irs.gov Apr 21 2020 22:48:59 Internal Revenue Service,  
 PO Box 7346, Philadelphia, PA 19101-7346  
 518363791 +E-mail/PDF: resurgentbknofications@resurgent.com Apr 21 2020 23:03:07 LVNV Funding LLC,  
 200 Meeting Street, Ste #206, Greenville, SC 29615-5833  
 518370089 E-mail/PDF: resurgentbknofications@resurgent.com Apr 21 2020 23:02:08 LVNV Funding, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 518363794 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 21 2020 22:49:28 Midland Credit Management,  
 PO Box 2121, Warren, MI 48090-2121  
 518459226 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 21 2020 22:49:28 Midland Funding LLC,  
 PO Box 2011, Warren, MI 48090-2011  
 518363795 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 21 2020 22:49:28 Midland Funding, LLC,  
 2365 Northside Dr #300, San Diego, CA 92108-2709  
 518363796 E-mail/PDF: pa\_dc\_claims@navient.com Apr 21 2020 23:02:56 Navient, PO Box 9635,  
 Wilkes Barre, PA 18773-9635  
 518486492 E-mail/PDF: pa\_dc\_claims@navient.com Apr 21 2020 23:02:56  
 Navient Solutions, LLC on behalf of, Department of Education Loan Services, PO BOX 9635,  
 Wilkes-Barre, PA 18773-9635  
 518470369 E-mail/Text: bnc-quantum@quantum3group.com Apr 21 2020 22:49:25  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 518363800 E-mail/Text: jennifer.chacon@sp servicing.com Apr 21 2020 22:49:53  
 Select Portfolio Servicing, P.O. Box 65250, Salt Lake City, UT 84165-0250  
 518366113 +E-mail/PDF: gecsedirecoverycorp.com Apr 21 2020 23:01:47 Synchrony Bank,  
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 518363803 E-mail/PDF: gecsedirecoverycorp.com Apr 21 2020 23:02:43 Synchrony Bank, PO Box 960061,  
 Orlando, FL 32896-0061  
 518470993 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Apr 21 2020 23:03:21 Verizon,  
 by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901  
 TOTAL: 19

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 35

Date Rcvd: Apr 21, 2020

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

518463304\* Toyota Motor Credit Corporation, c/o Becket and Lee LLP, PO Box 3001,  
Malvern PA 19355-0701

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 23, 2020

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 20, 2020 at the address(es) listed below:

Angela Nascondiglio Stein on behalf of Debtor Gerard Risoli  
nascondiglio@middlebrooksshapiro.com  
Angela Nascondiglio Stein on behalf of Joint Debtor Angela M Risoli  
nascondiglio@middlebrooksshapiro.com  
Denise E. Carlon on behalf of Creditor Deutsche Bank National Trust Company, as Trustee, et al... dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Denise E. Carlon on behalf of Creditor Morgan Stanley Mortgage Loan Trust 2007-9SL, Et Al... dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Melinda D. Middlebrooks on behalf of Debtor Gerard Risoli middlebrooks@middlebrooksshapiro.com, melindamiddlebrooks@gmail.com  
Melinda D. Middlebrooks on behalf of Joint Debtor Angela M Risoli middlebrooks@middlebrooksshapiro.com, melindamiddlebrooks@gmail.com  
Rebecca Ann Solarz on behalf of Creditor Deutsche Bank National Trust Company, as Trustee, et al... rsolarz@kmlawgroup.com  
Rebecca Ann Solarz on behalf of Creditor Morgan Stanley Mortgage Loan Trust 2007-9SL, Et Al... rsolarz@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10